

Marine Safety Office Houston-Galveston
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Port Security Information Bulletin
PSIB 20-04

CLARIFICATION OF AUTHORITY TO COLLECT PERSONAL SENSITIVE DATA

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Port Security Information Bulletin 18-04 discussed restrictions on collection of personal sensitive information that may pose a threat to personal or port security. Questions from industry have indicated that further clarification is needed to eliminate potential confusion over the scope of coverage of these restrictions. The primary concern with the collection of sensitive personal data is the potential illicit use of that information that can result in, among other things, unauthorized access to a vessel or facility. The taking custody, recording of sensitive information, and/or scanning of personal credentials poses a safety and security concern due to potential access by parties posing a threat to the port or assets of involved individuals.

Additionally, the collection of information may be in violation of state law including the recently amended section 521.126 of the Texas Water Code. This section, as amended by Senate Bill 1445 states that a person commits an offense if that person compiles or maintains a database of electronically readable information derived from driver's licenses, commercial driver's licenses, or personal identification certificates. This section, however, may not apply to facilities whose police force is recognized as State of Texas Peace Officers. These facilities will most likely be granted exemptions from the information collection prohibitions. This determination will be made by the applicable state authorities.

As stated in PSIB 18-04 Coast Guard policy is that vessels and facilities should not take custody of the identification card. Further, there is no MTSA or ISPS requirement or authorization for vessels and facilities to temporarily take custody of an individual's identification. Vessels and facilities are encouraged to review applicable state law prior to collecting or releasing sensitive personal information.

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